



Progress Report II

**on Foster Home Overcrowding
in Saskatchewan**

Bob Pringle

Children's Advocate, Province of Saskatchewan

August 2011

SASKATCHEWAN

children's
advocate
OFFICE

A Voice for Youth

Mandate

The Children's Advocate is an independent officer of the Legislative Assembly of Saskatchewan and acts pursuant to *The Ombudsman and Children's Advocate Act*. The Children's Advocate has the legislated responsibilities, among other things, to:

- Become involved in public education respecting the interests and well-being of children.
- Receive, review and investigate any matter concerning a child or group of children, or services to a child or group of children, by any government ministry or agency.
- Resolve these matters, where appropriate, through non-adversarial approaches and/or to make recommendations on such matters.

The Children's Advocate may also conduct research, or advise any minister responsible, on any matter relating to the interests and well-being of children.

Vision

The Children's Advocate's vision is that the interests and well-being of children and youth are respected and valued in our communities and in government practice, policy and legislation.

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Letter of Transmittal

August 17, 2011

The Honourable Don Toth
Speaker of the Legislative Assembly
Legislative Building
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Dear Mr. Speaker:

In accordance with Section 30.1(3) of *The Ombudsman and Children's Advocate Act*, I have the honour of submitting to you and to the Members of the Legislative Assembly, the Children's Advocate report:

Progress Report II on Foster Home Overcrowding in Saskatchewan

Respectfully submitted,

A handwritten signature in black ink, reading "Bob Pringle". The signature is written in a cursive style.

Bob Pringle
Children's Advocate
Province of Saskatchewan



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Executive Summary

Two and a half years since the release of *A Breach of Trust: An Investigation Into Foster Home Overcrowding in the Saskatoon Service Centre*, the Children's Advocate Office continues to monitor and evaluate progress made to address the issues identified and implement the recommendations made in this special report.

Since the release of our report, the reduction in the overall number of children and youth affected by these issues is significant.

In 2008, nearly half of Saskatchewan children and youth in foster care lived in less than 20 per cent of all foster homes, which created a level of overcrowding that posed increased risks to children, youth and their caregivers. Today, that number has been reduced to just under one third—a certain indication that the system is aware of and working to address foster home overcrowding and related issues.

Among the solutions implemented so far, the Ministry of Social Services has committed to: a new system of monitoring and approval when maximum placements in a foster home are exceeded; significant capital and operational funding for alternative residential resources; a new case management system that is in the pilot phase with roll-out expected by end of this fiscal year; and the hiring of 30 new Child Protection Case Assistants.

Also, an expanded and improved Quality Assurance Unit in the Child and Family Services Division is now in full operation. This Unit is conducting regular regional reviews of compliance with policy and standards, and doing excellent work on serious case incident, critical injury and child death reviews for more timely and effective learning from these unfortunate events.

On a broader level, the completion of the Child Welfare Review in December 2010, and the Government of Saskatchewan's first response in March 2011 to the 12 recommendations made by the Review Panel, demonstrates a commitment to address the factors that continue to drive compression of the foster care system in Saskatchewan.

A key element of the Government's response was the commitment to work differently with First Nations and Métis peoples and organizations involved in delivering child welfare services. We have already experienced this new respect and consideration in action and applaud this move toward collaboration and consultation with these central partners.

The Children's Advocate Office and other stakeholders in the child welfare community are eagerly anticipating the Government of Saskatchewan's full response to the Child Welfare Review, which is expected to be released publicly in mid-August 2011.

Much good work to craft a holistic response has been going on since the release of the Panel's report in December 2010. Early indicators suggest the Government has accepted the Panel's recommendation that a fundamental change must happen in child welfare from a classic "threshold" system with a primary focus on protection, to one where a greater focus is placed on providing universal access to family supports to prevent children and youth from coming into care.

While this fundamental shift is occurring over the longer term, all of us must remain vigilant to the well-being and best interests of children and youth currently in care.

Since the release of *A Breach of Trust*, we have continued to experience numerous referrals requesting advocacy for children and youth placed in foster homes. There have also been three tragic and publicly reported deaths of children in foster care where overcrowding and/or other factors known by the Ministry of Social Services should have prompted better interventions and decision making.

These cases demonstrate that there are still too many vulnerable children and youth living in foster homes that do not have the capacity to safely care for them. The "overcrowding" is but one indicator that these homes require increased supports and monitoring to be successful.

Similar to what we found in the original investigation, we continue to see examples of policy non-compliance that place children and youth at risk of harm in some foster homes including: incomplete or inaccurate assessment of the foster parents' capabilities, lack of placement matching, unsafe physical accommodations, numerous serious case incidents including child-on-child, child-on-caregiver and caregiver-on-child violence, and treatment of complaints of abuse or neglect as quality of care concerns that go uninvestigated.

Unfortunately, Ministry of Social Services' managers and front-line staff in Saskatoon and other regions continue to report caseload pressures that prevent them from meeting case planning or contact standards in even the most overcrowded of foster homes. If the Ministry of Social Services cannot find the resources to increase supervision and monitoring in these cases—where it is known there are increased risks for children and youth placed in over capacity foster homes—how can it ensure that placing a child or youth in these out-of-home resources is a safer option than remaining with his or her family?

The Ministry is working to address this issue in a variety of ways, and Ministry leadership should be unrelenting in pursuit of the goal that front-line staff be supported to fulfill their professional obligations to children and youth in care.

The rapid expansion of alternate residential resources, which is indeed a positive development these past two years, also requires increased monitoring and supervision to ensure new staff have the required qualifications and training to appropriately care for the children and youth placed in these peer and group homes. Placing residents in these facilities does not lessen the responsibilities of Ministry of Social Services supervisors and front-line staff to engage in timely assessments, case planning and contact with children, youth, families and caregivers to ensure the best interests and well-being of their clients.

The 2010 Child Welfare Review Panel heard hundreds of testimonials from individuals and groups involved in the child welfare system. Over the course of these discussions, it became clear that the social factors underlying neglect, such as poverty, addictions and mental health issues, must be addressed prior to children and youth being removed from their families.

Therefore, the Ministry of Social Services cannot stand alone in this challenge—all ministries and agencies of government, and in particular health and education, must also focus on what will make a meaningful, long-term impact on children, youth and their families.

The Government of Saskatchewan must:

- Begin to shift the child welfare system to focus on prevention;
- Ensure that Ministry of Social Services' managers and front-line staff have the resources and supports necessary to meet policy standards; and
- Keep all children and youth safe from harm whether they live with their families of origin or reside in care.

Our hope, in promoting the implementation of the Child Welfare Review Panel's recommendations and continuing to highlight the issues still found in foster care today, is that:

- Government will be a good parent when it must be a parent; and
- Government will support parents to be successful to prevent children and youth from coming into care.

The Children's Advocate Office looks forward to continued work with all stakeholders in the child welfare system to not only increase awareness of the challenges, but to find creative, sustainable solutions. We all share the responsibility for Saskatchewan's children and youth.

1 Background

1.1 About the Original Investigation and Report

In February 2009, the Children's Advocate Office tabled the special report, *A Breach of Trust: An Investigation Into Foster Home Overcrowding in the Saskatoon Service Centre*, in the Saskatchewan Legislature. The investigation found that:

- Foster home resources did not meet the specialized needs or numbers of children coming into care.
- Many foster homes were significantly overcrowded and exceeded the capacity of the homes to safely accommodate the number of children placed in them.
- Children who were placed in overcrowded foster homes were at increased risk of physical, sexual, emotional and/or psychological harm.
- Foster parents were not receiving adequate supports, resources and respite services.
- Inadequate case information was documented and communicated by caseworkers to foster parents regarding children placed in their care.
- There was a culture of non-compliance with policy and best practices related to the maximum number of children to be placed in a foster home, placement matching between foster home capabilities and foster children's needs, and the reporting and documenting of serious case incidents and investigations into complaints of abuse and neglect in foster homes.
- There was high turnover in caseworkers, not enough caseworkers, and not enough contact between caseworkers, foster parents and children in care.

The extent of overcrowding in foster homes found in the Saskatoon Service Centre when the investigation was conducted in June 2008 was revealed, upon release of *A Breach of Trust* in February 2009, to be a province-wide issue.

Foster home overcrowding was a common occurrence in the three urban centres of Saskatoon, Regina and Prince Albert, and was a symptom of a child welfare system in crisis in Saskatchewan. Children and youth in care, parents and families of origin, foster parents, Ministry of Social Services' managers and front-line staff, judges and the citizens of Saskatchewan were all impacted by this situation.

The report contained 45 recommendations made to the Ministry of Social Services regarding the overcrowding in Saskatchewan foster homes and the underlying contributing factors in the broader child welfare system.

1.2 About the Progress Reports

In November 2009, the Children's Advocate Office tabled its first *Progress Report on Foster Home Overcrowding in Saskatchewan*. This report provided an update on efforts made by the Ministry of Social Services to acknowledge, accept and implement the 45 recommendations, and reduce the number of overcrowded foster homes and the number of children and youth in care living in those foster homes. At that time, eight recommendations were closed with adequate action taken by the Ministry; and three recommendations were closed and discontinued by the Office as the recommended policy or action was already in place.

In May 2010, we requested an update from the Ministry of Social Services on the remaining active recommendations, and in November 2010, requisitioned updated statistical and demographic data on foster care and the broader child welfare system. We intended to table this second progress report in Fall 2010; however, the departure of

the previous Children's Advocate in September 2010, and the pending release of the Saskatchewan Child Welfare Review Panel Report, *For the Good of Our Children and Youth* in December 2010, delayed this work.

Since January 2011, we have engaged in discussions with the Ministry of Social Services to secure the requisitioned data and recommendation updates to inform this second progress report on foster home overcrowding in Saskatchewan. The Ministry met with us on a quarterly basis in 2010 and 2011 to provide updates and information on foster home overcrowding and related issues, and has responded to requests for additional information as needed.

Of the 34 recommendations from *A Breach of Trust* that were still active as of November 2009, 12 can now be closed. These include seven recommendations that the Ministry of Social Services accepted, which the Children's Advocate has closed with adequate action taken; and one that was partially accepted, which has been closed with no further action expected. The four remaining recommendations have not been accepted by the Ministry and, therefore, the Children's Advocate has closed them with no action taken.

That leaves active just under half of the original 45 recommendations made in *A Breach of Trust*. Six of those recommendations have been accepted by the Ministry of Social Services and work is still in progress to implement its response. The remaining 16 recommendations relate to legislative amendments that will be considered during a review of *The Child and Family Services Act* and *The Adoption Act, 1998* now planned for 2012. Future progress reporting on the Office's remaining active recommendations related to foster care will be done in our Annual Report tabled in April of each year.

Please see *Appendix C: Recommendation Tracking* for the Ministry of Social Services' response and the Children's Advocate Office's analysis on all 34 recommendations.

2 Improving Foster Care

2.1 The Numbers

"Overall, these province-wide and regional statistics reveal that foster home overcrowding remains a significant challenge in the cities of Saskatoon, Regina and Prince Albert."¹

2.1.1 Province-wide

Data requisitioned from the Ministry of Social Services indicates that the number of overcrowded foster homes and the number of children and youth placed in those homes has significantly decreased since June 2008.² Please see *Appendix A: Statistics* for this information.

These statistics represent a one-day, month-end snapshot of the numbers rather than capturing the total number of foster homes that may be over capacity or the total number of children and youth that may be placed in those foster homes throughout a year. Therefore, these numbers do not reflect the total number of children and youth affected by the increased risk of harm and related issues found in foster homes that are over capacity.

Overall, there was a significant reduction in the number of overcrowded foster homes and the number of children and youth placed in those homes between the last days of 2008 and 2009. Progress appears to have slowed in 2010; however, gains continued to be made by the Ministry of Social Services in reducing the number of children and youth in care affected by foster home overcrowding and related issues.

At the end of 2008, the Ministry of Social Services reported nearly half (925 or 48.4 per cent) of all children and youth in foster care were placed in a foster home where the number placed exceeded four.³ By the end of 2009, that had been reduced to just under a third (596 or 32.6 per cent). By the end of 2010, 483 or 28.8 per cent of children in foster care lived in a foster home where the number placed exceeded four.

We encourage the Ministry of Social Services to remain vigilant of the increased risks found in foster homes that are over their assessed capacity and that there are still hundreds of children and youth who consequently require increased supervision and monitoring while placed in those foster homes.

2.1.2 By Region

The Ministry of Social Services reports that overcrowding remains an ongoing challenge in the Centre, Northeast and Southwest Regions, which include the cities of Saskatoon, Prince Albert and Regina respectively.

The difference in program delivery between these regions (i.e., that the therapeutic foster home is not used in the Southwest Region and the home help program is primarily focused in Saskatoon) continues to raise questions as to how the Ministry is assessing the needs of children and youth across the province and whether it is providing equitable services and supports in all regions. Our Office will be conducting research and/or investigations into these issues in the coming year and we encourage the Ministry to proactively examine any inconsistencies in policy and practice between regions to provide clearer and consistent programs and services to meet the needs of children, youth and caregivers.

¹ Children's Advocate Office, *Progress Report on Foster Home Overcrowding in Saskatchewan*, November 2009 at 20.

² The investigation reported in *A Breach of Trust* used June 2008 as the benchmark date for collecting data on foster home overcrowding in the Saskatoon Service Centre. Therefore, the Children's Advocate Office uses this date from which to measure progress in addressing the issues identified in that report.

³ The Ministry of Social Services defines a foster home as "overcrowded" when the number of children placed in the home exceeds four. This definition does not differentiate between therapeutic and regular foster homes. Acceptable circumstances when a foster home can exceed the standard for the maximum number of four children include: the placement of sibling groups; placement of children in a home which they have lived in previously; short-term emergency placements; and provision of short-term respite. However, no more than two "acceptable circumstances" can exist for one home and permission to exceed the standard for the maximum number of children of four in a foster home requires approval of the Regional Director or designate with decision review and renewal every two weeks thereafter. Saskatchewan, Ministry of Social Services, *Children's Services Policy and Procedures Manual* (November 2001) at S. 4.47.

2.2 Information Management

"Fundamental to supporting and protecting children in care of the Minister is the ability to know to whom, what, where and when services are being provided."⁴

2.2.1 Development of a New Case Management System

The Ministry of Social Services has moved forward in its commitment to invest in a new case management system. Curam Software (Canada) was selected as the vendor for the Linkin system, which the Ministry indicates will assist staff to respond to the needs of children and youth in care. The Fort Qu'Appelle office is currently piloting the system, which is expected to be rolled out to other offices and participating First Nations child and family services agencies in the next year.

As reported in the first progress report, the Ministry of Social Services did not accept the recommendation (09-14127) from *A Breach of Trust* to create a Special Committee on Information Management. The Ministry indicated that this would not follow best practices for development of such a system.

In November 2009, the Ministry of Social Services indicated that as the project team develops and implements the new information management system, more stakeholders will be engaged to ensure that the new system will meet the needs of external stakeholders such as the Children's Advocate Office, the Provincial Auditor, the First Nations child and family services agencies and community-based organizations.

To date, the Ministry of Social Services has not consulted with the Children's Advocate Office or the Saskatchewan Youth in Care and Custody Network (SYICCN) on the development of the new case management system. The Ministry has briefed the Office at quarterly meetings on its development and implementation plans and has indicated that consultation with the Children's Advocate Office will occur in Phase 2 of the project.

2.3 Reducing the Potential for Harm

"If children placed in overcrowded foster homes do not feel safe and if they are not given enough one-on-one care and attention, they cannot possibly be expected to heal from previous neglect, maltreatment or abuse; develop physically, mentally or behaviorally; or form the attachments to caregivers, families and their culture and communities that are so integral to the healthy development of self-esteem and self-identity."⁵

2.3.1 Case Management, Safety Planning and Meetings with Children or Youth

One recommendation (09-14118) made in *A Breach of Trust* directly emphasized the need to review the case plan and status of every child and youth residing in an overcrowded foster home in the Saskatoon Service Centre including, if appropriate, an interview with the child or youth.

The intent of that recommendation was, in part, to protect the children and youth placed in these homes from further risk of harm by ensuring that suitable caregiver supervision, placement matching and physical accommodations relative to the assessed needs of the child or youth were being provided.

In the past two years, the Ministry of Social Services has developed numerous quality assurance measures to assess compliance with policy standards on an ongoing basis, and new processes have been put in place to ensure approvals have been secured when exceeding the maximum allowable placements in a foster home. At the time this recommendation was made in February 2009, Ministry managers in the Saskatoon Service Centre did not immediately commence a review of the case plans and status of each child residing in overcrowded foster homes including, if appropriate, interviews with those children.

4 Saskatchewan, Children's Advocate Office, *A Breach of Trust: An Investigation Into Foster Home Overcrowding in the Saskatoon Service Centre*, (Saskatoon: February 2009) at 53.

5 *Ibid.* at 57.

Instead, a review conducted by the Ministry from January to March 2009, focused on foster homes with more than four children placed in them and reviewed the physical accommodations in relation to fire safety. A related review focused on the case files of children and youth placed in foster homes with more than four children or youth residing in them.

These reviews did not meet the intent of the recommendation as they did not include reviews of overcrowded therapeutic foster homes with more than two children or youth placed in them, they did not connect the file review with the home visit and no interviews with children or youth were conducted.

We are closing this recommendation as not accepted with no action taken, as its timeliness has long passed. It was written with the intent of securing an immediate and comprehensive review of all overcrowded foster homes and the cases of all children and youth placed in those homes. That did not occur. We continue to encourage the Ministry of Social Services to increase resources dedicated to reviewing, evaluating and monitoring foster homes that are over capacity.

2.3.2 Home Help for Foster Families

The Ministry of Social Services reports that it has provided the Saskatchewan Foster Families Association (SFFA) with additional funding to implement an in-home support program to assist foster families in the Centre Region with more than four children placed in the home.

The goals of the program are to create a safe environment for children; support and model a team approach to positive child development practices; provide a nurturing and supportive environment; and assist foster homes in developing and maintaining supports for children in their homes.

In light of the fact that overcrowding of foster homes can be found all across the province, this home help program would be of benefit to all foster families who have more children placed in their home than their assessed capacity.

2.3.3 Compliance with Policy

Approval to Exceed Maximum Number of Four

The Children's Advocate Office's investigation into overcrowding in the Saskatoon Service Centre in June 2008 found that there was no clear documentation in the foster home files reviewed identifying acceptable circumstances for homes to be overcrowded or approvals by the Regional Director or designate to exceed the maximum number of placements in any of the foster homes.

In February 2009, the Ministry of Social Services implemented the Foster Home Information Management System (FHIMS) database to provide enhanced tracking capabilities for children in foster care and oversight of foster homes with more than four children placed, as well as information management for foster home approvals, in-home contacts and annual reviews.

FHIMS determines if a foster home is over the maximum of four children and automatically initiates the approval and re-approval process. The Ministry of Social Services reports that there is a rigorous workflow built into the application, including e-mail notification reminders sent daily at each workflow level if the maximum overage task has not been approved or sent on for approval.

Physical Accommodations

In response to recommendations to improve compliance and education on Ministry of Social Services' policy requirements for physical accommodations in foster homes (09-14131 and 09-14132), the Ministry reports that draft policy has been developed and consultation with key stakeholders (i.e., SFFA) has taken place.

The next step in the design process is to consult with First Nations child and family services agencies before finalizing the draft policy, which includes a revised safety checklist for foster homes. In the Fall of

2011, a task group will be established with the agencies to continue development and finalization of this policy, with target implementation of the new policy in Spring 2013.

The Ministry of Social Services has assured us that the current review and changes that will be made to this policy will not lessen safety standards in foster homes and that training will occur upon implementation of the new policy.

Quality Assurance and Serious Case Incidents

Following the release of *A Breach of Trust*, the Ministry of Social Services expanded its Quality Assurance (QA) Unit in the Child and Family Services Division.

In July 2010, the Ministry introduced changes to the response to Serious Case Incidents (SCI) so that now all SCIs are centrally reported to the QA Unit to ensure incidents are reported correctly (i.e., whether they are a serious case incident versus a critical injury). This centralized review of all SCIs permits the Ministry to identify cases that may warrant a critical injury review by the Children's Advocate Office that previously would have only been addressed at the regional level.

2.4 Addressing Capacity

"The increase of children in care, the lag in developing new resources, the loss of foster home resources and a lower number of children leaving care have all contributed to the serious predicament the foster care system is experiencing today..."⁶

2.4.1 Recruitment and Retention of Foster Families

The Ministry of Social Services developed short-term and long-term action plans as recommended in *A Breach of Trust* (09-14120) regarding recruitment and retention of foster parents. These plans were developed in conjunction with the SFFA and have been implemented over the past 18 months.

The number of foster homes in Saskatchewan has continued to fall from 770 at the end of December 2008 to 691 at the end of December 2010. This loss of capacity, even at a relatively low count of two approved placements per home (providing 158 placements for children in foster care), is a significant drop.

According to the Child Welfare League of Canada, foster family recruitment is a major issue for Canadian provinces and territories. Demographic and other societal changes over the last 25 years have led to a decrease in the pool of people with both the motivation and capability to foster, while in many jurisdictions the need and demand for foster care has never been higher.

We encourage the Ministry of Social Services and SFFA to evaluate its more recent foster home retention and recruitment efforts to inform next steps and achieve more successful outcomes in this ongoing work.

The Government of Saskatchewan included in its 2011-12 budget, funding for the Ministry of Social Services to pilot Treatment Foster Care programming to target youth with multiple barriers and complex needs who are long-term wards of the province. Typically, these youth experience multiple moves and placement breakdowns in the traditional foster care system. Treatment Foster Care is designed to provide stability and integrated supports to prevent these youth from slipping through the cracks of the child welfare system.

The Ministry of Social Services has completed research into best practices in other jurisdictions and work is underway to develop an expression of interest to be sent to community-based organizations to respond and provide this specialized foster care programming.

6 *Supra* note 4 at 49.

2.4.2 Development of Residential Placement Alternatives

The Ministry of Social Services reported that it has partnered with community-based organizations to develop 146 new emergency receiving, peer home and group home spaces since February 2009. New capital funding for this expanded capacity was \$3.98 million, with new annualized funding to support these residential initiatives being \$11.4 million for the 2010-11 fiscal year. Additional capital funding was also included in the 2011-12 budget. Please see *Appendix B: Ministry Funding Announcements*.

Development of these community-based alternative residential resources is positive; however, rapid expansion could potentially lead to auxiliary issues that require ongoing supervision and monitoring by the Ministry of Social Services. For example, prior to placing children and youth in peer and group homes, new staff should have the required qualifications and training to appropriately care for children and youth placed in these resources.

Ministry of Social Services' supervisors and front-line staff also must be provided the resources to engage in timely case planning and contact with children, youth, families and caregivers to ensure the best interests and well-being of their clients is maintained while placed in these alternative resources.

2.4.3 Ministry of Social Services Staffing

The Government of Saskatchewan announced in its 2011-12 budget funding for the addition of 30 FTEs (full-time equivalents) to the Child and Family Services Division and the piloting of third-party service delivery of non-critical workload. In June 2011, the Ministry of Social Services began recruitment for 30 new Child Protection Case Assistants to be deployed throughout the province's three regions (North, Centre and South). The process is expected to be completed by Fall 2011.

The Child Protection Case Assistants will do functions, normally assigned to Child Protection Caseworkers, that do not necessarily require a Bachelor of Social Work degree to perform. This may include arranging visits and appointments, gathering information, service of court documents and processing payment requests. In essence, the position is designed to support Caseworkers to focus on the core practice of Social Work and child protection.

This plan is anticipated to reduce the workload of Child Protection Caseworkers, which may allow them to better meet contact, assessment and case planning standards for children and youth in care, their families and caregivers. As the Provincial Auditor noted in his 2010 report on the Ministry, nearly half of the client files sampled did not comply with child protection contact standards defined in policy.⁷

This infusion of human resources and future delegation of duties to community-based organizations does not address the related issues of caseloads, or caseworker to supervisor ratios, which Ministry of Social Services' managers and staff continue to report exceed recommended Social Work standards.

On a regional level, Ministry of Social Services' managers report efforts to address the issue of caseloads through better monitoring and, if necessary, redistribution of human resources among all offices under their supervision.

We encourage the Government of Saskatchewan to continue to invest additional human resources into child protection and family support services so that Ministry of Social Services' managers and staff can begin to successfully meet legislative requirements and policy standards.

⁷ Provincial Auditor Saskatchewan, 2010 Report – Volume 2 at 317.

3 Improving the Child Welfare System

3.1 2010 Child Welfare Review

"... the Children's Advocate Office views the child welfare review as a unique opportunity to effect real change and positive outcomes for Saskatchewan's most vulnerable citizens, our children and youth."⁸

3.1.1 The Review

In November 2009, the Ministry of Social Services announced that the Government of Saskatchewan would undertake a comprehensive review of child welfare in the province. A four-member independent panel was selected, with Bob Pringle appointed as Chair, and consultations took place with stakeholders throughout the province from April to June 2010.

Included as part of the terms of reference for the Panel's work were the Saskatchewan *Children and Youth First Principles*,⁹ which were adopted by the Government of Saskatchewan in February 2009 as a guide in examining policy and legislation and in developing and implementing both policy and legislative changes.

The Children's Advocate Office presented an oral submission to the Panel on April 20, 2010, and followed up with a written submission that included active, revised and new recommendations made to both the Panel and the Government of Saskatchewan.

3.1.2 The Report

The *Saskatchewan Child Welfare Review Panel Report: For the Good of Our Children and Youth* was publicly released in December 2010. The report included 12 recommendations with supporting actions for the Government of Saskatchewan to consider:

1. Implement fundamental changes to the child welfare system: create an easily accessible preventive family support stream for all families who need it, and a much smaller formal child welfare stream for families where the authority of the courts is required.
2. Make safe, culturally appropriate care for all Aboriginal children and youth a priority through a planned and deliberate transition to First Nations and Métis control of child welfare and preventive family support services.
3. Include concepts contained in the *Children and Youth First Principles* and the *Touchstones of Hope for Indigenous Children, Youth, and Families* in legislation, and use these principles to guide planning and decision-making for children and youth.
4. Develop and implement a *Saskatchewan Child and Youth Agenda* that guarantees children and youth become a high priority in the province, and that all children get a good start in life.

⁸ Saskatchewan, Children's Advocate Office, Media Release, *Children's Advocate Calls for Government of Saskatchewan Implementation of the Children and Youth First Principles*, December 9, 2009.

⁹ That **ALL** children and youth in Saskatchewan are entitled to:

1. Those rights defined by the United Nations *Convention on the Rights of the Child*.
2. Participate and be heard before any decision affecting them is made.
3. Have their 'best interests' given paramount consideration in any action or decision involving them.
4. An equal standard of care, protection and services.
5. The highest standard of health and education possible in order to reach their fullest potential.
6. Safety and protection from all forms of physical, emotional and sexual harm, while in the care of parents, governments, legal guardians or any person.
7. Be treated as the primary client, and at the centre, of all child-serving systems.
8. Have consideration given to the importance of their unique life history and spiritual traditions and practices, in accordance with their stated views and preferences.

5. Acknowledge at all levels of government that poverty-related conditions drive child neglect and other social problems. Make significant improvements to the income support, affordable housing, and disability service systems used by Saskatchewan families.
6. Emphasize collaborative approaches to child welfare and preventive family support services within the Ministry of Social Services, across Ministries, and with community partners. First Nations and Métis stakeholders must be involved.
7. Establish family violence, mental health, and substance abuse services, available without delay, for families receiving child welfare and preventive family support services.
8. Ensure the court system works better for families: minimize the number of child welfare cases that go before the courts, move cases to resolution more quickly, and ensure that families, children and youth have accessible legal advice.
9. Take special measures to ensure children and youth in foster care and other specialized resources are safe and well cared for.
10. Improve the existing system in areas where there is an urgent need for change.
11. Develop court-recognized custom adoption processes for First Nations and Métis children and youth.
12. Develop and implement a strategy to attract and retain child protection workers to deliver the new vision for child welfare and preventive family support programs.

We endorse these recommendations and are working with partners and stakeholders in the child welfare community to monitor and evaluate the Government of Saskatchewan's response and progress made in improving the child welfare system in our province.

3.1.3 The Children's Advocate Office's Submission

The Children's Advocate Office's detailed submission to the Saskatchewan Child Welfare Review Panel, *Change for Children and Youth*, was publicly released with our *2010 Annual Report* in May 2011. All recommendations made to the Government of Saskatchewan in the submission are being reviewed by the new Children's Advocate and prioritized for discussions with the Ministry of Social Services.

Ministry of Social Services' management has already committed to meetings with us to discuss this submission as part of consultations with stakeholders during the broader implementation of the Child Welfare Review Panel's recommendations and action steps in 2011-12.

One significant recommendation from our submission—enhancing advocacy for children and youth through amendments to *The Ombudsman and Children's Advocate Act*—is already being addressed with the Government of Saskatchewan. The Ombudsman, the Children's Advocate and the Government of Saskatchewan have begun the lengthy task of splitting and enhancing the legislation governing the Office's work.

It is expected that this process will be complete in Spring 2012, when we also expect to have completed program reviews and strategic planning to be strongly positioned for any expanded role or responsibilities granted in that new legislation. Additionally, it is anticipated that the Government's response to the Child Welfare Review will have some evolutionary implications for the Office.

3.2 Putting Children and Youth First

*"The Ministry of Social Services and Government of Saskatchewan must make children a priority and establish a clear children's agenda on which a stronger and more stable child welfare system can be built."*¹⁰

3.2.1 Implementing the Principles

As previously noted, the Government of Saskatchewan adopted the *Saskatchewan Children and Youth First Principles* in February 2009. However, since that commitment was made, little further discussion or progress has been made to implement the Principles as a mandatory guide for child-serving ministries to examine, revise and develop any current and new legislation, policy, programming and practices.

Therefore, the Children's Advocate Office included a new recommendation (10-16838) in its submission to the Child Welfare Review Panel and Government of Saskatchewan in June 2010:

That the Government of Saskatchewan implement the adopted Saskatchewan Children and Youth First Principles as a mandatory guide for ministries to examine, revise current, and develop new legislation, policy, programming and practice.

We have not received a response to this recommendation to date. However, the Ministry of Social Services has committed to consulting in the next year with us on all open recommendations to build a shared understanding of the issues identified and intent of the recommendations.

3.2.2 Developing a Children and Youth Agenda

As its first step in responding to the Child Welfare Review Panel's recommendations, the Government of Saskatchewan established a Cabinet Committee on Children and Youth that will direct the development of a *Saskatchewan Children and Youth Agenda*.

The Ministry of Social Services indicates that the Cabinet Committee is to ensure that the Government of Saskatchewan acts as one entity to better integrate and target service to achieve improved outcomes for children, youth and families.

In March 2011, the Government of Saskatchewan provided a preliminary response to the Child Welfare Review Panel recommendations with the announcement of \$15.3 million in funding for new initiatives under the Children and Youth Agenda in the 2011-12 budget.

The funded projects included intensive family supports and support for extended families caring for children, improved supervision of children in care, a range of supports for First Nations and Métis employment, enhancement of funding to the First Nations Family and Community Institute and funding for First Nations and Métis engagement in the *Saskatchewan Children and Youth Agenda*, among others.

We viewed the creation of the Cabinet Committee and funding announcements as laying a foundation for a longer-term strategy for addressing the needs of vulnerable children and youth in their communities.

This work resulted in funding allocations in four critical and related areas: Child Welfare Review Investments, Autism Strategy and Fetal Alcohol Spectrum Disorder Strategy, Saskatchewan Police and Partners Strategy to Reduce Crime and Violence, and a First Nations and Métis Education and Employment Strategy.

The broader response to the Child Welfare Review Panel's recommendations was expected in Spring 2011 and is now anticipated to be released in August 2011.

10 *Supra* note 4 at p. 6.

3.2.3 Mandatory Education on the UN Convention on the Rights of the Child

The Ministry of Social Services has accepted the recommendation (09-14139) made in *A Breach of Trust* that it immediately conduct mandatory education for all Ministry personnel on the rights of children under the United Nations *Convention on the Rights of the Child* and the obligations of the Government of Saskatchewan, which has endorsed the Convention.

This material was presented to all Child and Family Services' (CFS) managers and supervisors in May 2010. Managers and supervisors did ensure that all CFS staff are provided with this material. Ongoing training on the United Nations *Convention on the Rights of the Child* has been incorporated into the Ministry's CORE Training and provided on Day 1, Module 1.

3.3 Building a Solid Foundation

"The narrowness and rigidity of the legislated options is forcing too many children into care and keeping them there for far too long before any permanency planning decisions are required to be made."¹¹

3.3.1 Legislative Review

As reported in the first progress report, the Ministry of Social Services announced in February 2009 that work had begun on a review of *The Child and Family Services Act* and *The Adoption Act, 1998*, and that the consultative phase would be starting soon with a projected completion date of Fall 2009.

In August 2009, in response to a requisition for information for this progress report, the Ministry further indicated that it had created a proposed approach to legislative review,

[T]hat would be a collaborative, two-year plan that engages key stakeholders. That proposed approach includes:

- Seeking direction from cabinet.
- Establishing an independent panel.
- Engaging stakeholders in the planning phase, the consultation phase and the legislative review phase.¹²

In November 2009, the Ministry of Social Services reported that the Child Welfare Review would:

[N]ot simply be about legislative change, but a far more fundamental look at how we, as a society, nurture and protect our children. An independent panel will be charged with leading an extensive consultation with a diverse range of stakeholders. The panel will focus at the highest level on the question: 'What needs to be done?' It is anticipated this review will not lead amendments to existing child welfare and adoption legislation, but rather to new Act(s).¹³

The *Saskatchewan Child Welfare Review Panel Report: For the Good of Our Children and Youth* released in December 2010 did not include specific recommendations for legislative review or change in Saskatchewan.

However, three of the recommendations made by the Panel urged the Government of Saskatchewan to: ensure the court system works better for families including access to independent legal representation for children and youth; improve the existing system in areas where there is an urgent need for change; and develop court-recognized custom adoption processes for First Nations and Métis children and youth.

11 *Supra* note 4 at p. 5.

12 Correspondence between Andrea Brittin, Executive Director, Child and Family Services, Ministry of Social Services, and Laura Beard, Director of Investigations, Children's Advocate Office (6 August 2009).

13 Email correspondence between Cheryl Senecal, Assistant Deputy Minister, Child and Family Services, Ministry of Social Services and Marvin Bernstein, Saskatchewan Children's Advocate (5 November 2009).

To implement these recommendations, it will be necessary to review *The Child and Family Services Act* and *The Adoption Act, 1998*.

The Ministry of Social Services indicated in Spring 2011 that this review would occur in the next two years, with any amendments or new legislation taking effect in 2013. Until that time, the Ministry's response to 16 of the 45 recommendations made in *A Breach of Trust* is still to be determined. Please see *Appendix C: Recommendation Tracking*, page 34 for a list of these 16 recommendations.

APPENDIX A: Statistics

A.1 Child and Family Services Statistics

Since the release of *A Breach of Trust*, the Ministry of Social Services has provided public quarterly reports on Child and Family Services statistics. Initially, this included the data regarding placement status of children in care reported in Table 1. However, the Ministry ceased reporting these numbers in late 2009 as the information is retrieved from the Average Daily Count (ADC), which is a formula that is based on payment information and active cases, not an actual count of the number of children in care placed in any given residential resource. The Ministry's concern about the accuracy of this data is shared by the Children's Advocate and underlies the ongoing need for better information management systems and reporting in order to provide baseline information to assess and solve critical issues like foster home overcrowding. The Ministry continues to work towards implementing the new Linkin case management system to address this issue.

Table 1: Children in Care¹⁴

	Dec 31/08	Dec 31/09	Dec 31/10
Children in care placed in foster homes	1909	1829	1680
Children living in all other types of placements including extended family	1679	1561	1583
TOTAL Children in Care	3588	3390	3263
+/- Change	-198	-127	
% Change	-5.5%	-3.7%	

Table 2: Children in Care On-Reserve

	Mar 31/08	Mar 31/09	Mar 31/10
Children in care in all types of placements on-reserve	1166	1206	1176
+/- Change	40	-30	
% Change	3.4%	-2.5%	

For the purposes of public quarterly reporting and the data included in Tables 3, 4 and 5, the Ministry of Social Services defines a foster home as "overcrowded" when the number of children placed in the home exceeds four. This definition does not differentiate between therapeutic and regular foster homes.

Table 3: Foster Homes

	Dec 31/08	Dec 31/09	Dec 31/10
Foster homes	770	729	691
Overcrowded foster homes	136	96	79
% of Foster Homes that are Overcrowded	17.7%	13.2%	11.4%

Table 4: Children in Care Placed in Foster Homes

	Dec 31/08	Dec 31/09	Dec 31/10
Children in care placed in foster homes	1909	1829	1680
Children in care placed in foster homes with more than four children	925	596	483
% of Children Placed in Foster Care in Foster Homes that are Overcrowded	48.5%	32.6%	28.8%

¹⁴ These numbers include children who were apprehended by the Ministry of Social Services off-reserve and subsequently placed on-reserve. "All other types of placements" include private treatment, and children in care of the Ministry of Social Services in Saskatchewan, but living with family in other provinces, with extended family, or in other residential placements.

Table 5: Number of Foster Homes with Over Four Children in Foster Care

Number of Children in the Foster Home	Number of Foster Homes			Total Number of Children in these Foster Homes		
	Dec 08	Dec 09	Dec 10	Dec 08	Dec 09	Dec 10
5	46	47	31	230	235	155
6	31	19	26	186	114	156
7	16	9	11	112	63	77
8	14	11	6	112	88	48
9	13	5	3	117	45	27
10	12	4	2	120	40	20
11	2	1	0	22	11	0
12	1	0	0	12	0	0
13	0	0	0	0	0	0
14	1	0	0	14	0	0
TOTALS	136	96	79	925	596	483
+/- Change		-40	-17		-329	-113
% Change		-29.4%	-17.7%		-35.6%	-19.0%

APPENDIX B: Funding Announcements

B.1 New Capital Funding Announced

The Ministry of Social Services approved \$3.98 million for new capital funding to expand alternate space capacity, including group home development with community partners from June 1, 2009, to December 31, 2010.

North Battleford

\$30,000	Apostolic Church of North Battleford	Replacement of boiler, windows and doors to meet health standards at Crystal's Home.
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Prince Albert

\$300,000	YWCA	Purchase of residential property and furnishings for 12 space peer home for youth ages 16-17.
\$344,250	Rising Stars Children's Ranch	Contribute to the purchase of residential property and furnishings for 10 space facility for children in the care of the Ministry.
\$5,390	Native Coordinating Council	Purchase of furnishings for independent living suite.
\$36,800	YWCA	Renovations and repairs to peer home.

Regina

\$50,000	John Howard Society	Purchase of residential facility to be a five space peer home for children/youth ages 12-15.
\$20,000	John Howard Society	Purchase of household equipment and van to assist with start up of Robert's Place.
\$66,000	John Howard Society	Funding for closing fees, home furnishings and renovations to meet licensing requirements for Stewart's Place.
\$50,000	Stepping Stones Child Care Coop.	Construction of fire escape required to meet building codes to accommodate development of emergency receiving childcare services in new building.
\$45,000	Stepping Stones Child Care Coop.	Purchase of furniture and start-up supplies in new facility to provide emergency receiving childcare spaces.
\$1,000,000	Street Culture Kidz Inc.	Construction of a 15 space emergency shelter.
\$50,000	Street Culture Kidz Inc.	Purchase of residential facility to be a five space peer home for youth ages 15-17.
\$8,000	Street Culture Kidz Inc.	Purchase of office equipment.
\$155,000	Youth for Christ	Purchase and renovation of residential facility to be a five space peer home for children/youth ages 12-15.
\$150,000	YWCA	Purchase and installation of sprinklers required to meet fire code to allow for an additional two spaces for emergency spaces for children ages 0-12.
\$200,000	YWCA	Purchase of residential property and furnishings for 12 spaces for children in the care of the Ministry of Social Services.

Saskatoon

\$50,000	Central Urban Métis Federation Inc.	Supported family apartment living for families and children ages 0-18.
\$600,000	EGADZ	Purchase of residential property and furnishings for 20 space facility for children in care of the Ministry of Social Services.
\$300,000	John Howard Society	Purchase of residential property and furnishings for 10 space peer home for youth ages 12-15.
\$5,250	Saskatoon Indian & Métis Friendship	Purchase of computer equipment.
\$19,000	STC Urban First Nations Services Inc.	Assist in purchase of residential facility for group home and to add three spaces for children/youth ages 6-13.
\$500,000	STC Urban First Nations Services Inc.	Purchase of a house, furnishings and start-up supplies for emergency spaces for children ages 0-12.

B.2 New Operating Funding Announced

The Ministry of Social Services committed \$11.4 million in new annualized funding to support residential initiatives from June 1, 2009 to December 31, 2010. Funding is provided in annualized dollars for the 2010-11 fiscal year.

Meadow Lake

\$154,524	Meadow Lake Outreach Ministries	Enhancement of two spaces in supported apartment living program for young families.
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North Battleford

\$1,400,870	Eagle's Nest	Ten spaces for assessment and stabilization of children/youth ages 12-17.
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Prince Albert

\$17,038	Native Coordinating Council	Enhancement of two spaces in supported independent living for youth ages 18-21.
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\$476,470	YWCA	Ten peer home spaces for youth ages 16 -17.
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Regina

\$376,710	John Howard Society	Five peer home spaces for children/youth ages 12-15 in Robert's Place.
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\$305,691	John Howard Society	Stewart's Place.
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\$338,255	Stepping Stones Child Care Coop.	Eight spaces for emergency receiving childcare for children ages 0-12.
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\$387,770	Youth for Christ	Five peer home spaces for children/youth ages 12-15.
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\$971,040	YWCA	Ten spaces for emergency receiving childcare for children ages 0-12.
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Saskatoon

\$271,170	Central Urban Métis Federation Inc.	Eighteen spaces in supported apartment family living for young families and their children (six apartments).
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\$337,485	Central Urban Métis Federation Inc.	Twelve spaces in intensive supported family living.
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\$3,325,880	Eagle's Nest	Twenty-four long-term assessment and stabilization, and emergency receiving services for high needs children/youth ages 12-17.
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\$357,610	EGADZ	Five peer home spaces for children/youth ages 12-15 in My Home #8.
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\$357,610	EGADZ	Five peer home spaces for children/youth ages 12-15 in My Home #9.
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\$194,760	EGADZ	Five peer home spaces for children/youth ages 12-15 in My Home #10.
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\$194,760	EGADZ	Five peer home spaces for children/youth ages 12-15 in My Home #11.
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Saskatoon (con't)

\$500,370	EGADZ	Five spaces in an infant childcare/young parent program for infants ages 0-4.
\$299,880	Quint Development Corp. Ltd.	Two spaces in supported family living for families.
\$354,420	John Howard Society	Five peer home spaces for children/youth ages 12-15 in Basswood Place.
\$328,740	John Howard Society	Five peer home spaces for children/youth ages 12-15 in Pine Place.
\$500,370	STC Urban First Nations Services Inc.	Three group home spaces for children/youth ages 6-13.

APPENDIX C: Recommendation Tracking

Recommendation	Ministry of Social Services Action Taken	Children's Advocate Office Analysis
09-14114 That the Ministry of Social Services report to the Children's Advocate on a biannual basis (every June 30 th and December 31 st) its progress, including results of quality improvement and accountability measures undertaken by the Ministry, regarding each and every recommendation contained in this report, so as to facilitate public reporting by the Children's Advocate Office.	Position: Accepted The Ministry accepted this recommendation and will continue to provide updates and engage in discussions with the Children's Advocate Office.	Status: Closed; adequate action taken. The Ministry met with the Children's Advocate Office on a quarterly basis in 2010 and 2011, to provide updates and information on foster home overcrowding and related issues, and has responded to requisitions for data as required. Future progress reporting on the Office's open recommendations related to foster care will be done in our Annual Report tabled in April of each year.
09-14118 That the Ministry of Social Services managers in the Saskatoon Service Centre immediately commence the process of reviewing the case plans and status of each child residing in overcrowded foster homes in the Saskatoon Service Centre area, including if appropriate, interviews with those children.	Position: Not accepted Over the past two years and since the time of this report, there has been an increased emphasis from managers and staff on increasing visits and contact with children in care; including home visits by the Service Area Director. The review of case plans is an ongoing requirement of all Ministry staff. The Executive Director, Service Delivery, has continued to meet regularly with management in the Saskatoon Service Area to review progress and stress the importance of policy compliance and case planning for children in care. In March 2010, all Child and Family Services (CFS) front-line staff, supervisors and managers from Saskatoon attended a half-day training seminar on completing the assessment and development plans for children in care. The Ministry's centralized Quality Assurance Unit conducted a qualitative file review in the Central Service Area in September 2009 and a subsequent follow-up review in May 2010. These two reviews are not the reviews referenced in the CAO's analysis. The reviews referenced by the CAO are reviews that were conducted in late 2008 and early 2009 by service area staff. Results from the review conducted in May 2010 show a marked improvement in the quality of assessments and case plans on file as well as increased compliance with respect to meeting the requirements outlined in the Ministry's policies. The Ministry's centralized Quality Assurance Unit conducted a qualitative file review in the Central Service Area in October 2010 with a particular focus on case plans for children in foster homes with more than four children. The drafting of this review's findings report is currently underway.	Status: Closed; no action taken. The Children's Advocate Office recognizes that numerous quality assurance measures have been developed by the Ministry in the past two years to assess compliance with policy standards on an ongoing basis, and new processes have been put in place to ensure approvals have been secured when exceeding the capacity of a foster home. However, at the time this recommendation was made in February 2009, Ministry managers in the Saskatoon Service Centre did not immediately commence a review of the case plans and status of each child residing in overcrowded foster homes, including if appropriate, interviews with those children. Instead, a review conducted by the Ministry from January to March 2009, focused on foster homes with more than four children placed in them and reviewed the physical accommodations in relation to fire safety. A related review focused on the case files of children and youth placed in foster homes with more than four children or youth residing in them. These reviews did not meet the intent of the recommendation, as they did not include reviews of therapeutic foster homes with more than two children or youth placed in them; they did not connect the file review with the home visit; and no interviews with children or youth were conducted. The Children's Advocate Office is closing this recommendation as the intent to elicit an immediate response in February 2009 to the overcrowding of foster homes in the Saskatoon Service Centre and the potential physical, emotional, psychological and sexual risks children placed in those foster homes faced was not achieved.

Recommendation	Ministry of Social Services Action Taken	Children's Advocate Office Analysis
<p>09-14120 That the Ministry of Social Services work in partnership with the Saskatchewan Foster Families Association to immediately develop and implement a short-term action plan by June 30, 2009, and a long-term action plan by December 31, 2009, regarding the recruitment and retention of foster homes in Saskatchewan.</p>	<p>Position: Accepted</p> <p><u>Short-term actions: Completed</u> All have been implemented as of September 2009. A full time position has been staffed by the Saskatchewan Foster Families Association (SFFA) and has assumed all responsibility for responding to inquiries which has allowed Ministry staff to focus on assessments of prospective foster families. The SFFA developed a comprehensive advertising campaign which includes television, cable listings, radio, movie theatres and transit buses. The SFFA and Ministry, as part of the 2010/11 budget planning and allocation, collectively agreed to remove the additional funding to hire a dedicated foster home recruitment specialist to attract Aboriginal families; both parties agreed that with the expansion of Family Finders and Permanency Planners, this was a duplication.</p> <p><u>Long-term actions: Underway</u> In March 2010, the Ministry implemented policy changes to provide funding to the SFFA to hire an independent professional damage assessor to validate foster family claims and expedite the compensation process.</p> <p>All responsibility for promotional and advertising activities has been moved to the SFFA; as part of their contract obligations they are to provide a proposal and plan to the Ministry for review and approval every year.</p>	<p>Status: Closed; adequate action taken.</p> <p>The Ministry provided short-term and long-term action plans as recommended regarding recruitment and retention of foster parents. These plans were developed in conjunction with the SFFA and have been implemented over the past 18 months.</p> <p>Unfortunately, the number of foster homes in Saskatchewan has continued to steadily fall during that time, and the 'aging' of long-time foster parents who will be seeking to retire in the next few years appears to be a significant challenge for the Ministry of Social Services and the SFFA to address.</p> <p>According to the Child Welfare League of Canada, foster family recruitment is a major issue for Canadian provinces and territories. Demographic and other societal changes over the last 25 years have led to a decrease in the pool of people with both the motivation and capability to foster, while in many jurisdictions the need and demand for foster care has never been higher.</p> <p>The Children's Advocate Office encourages the Ministry of Social Services and SFFA to evaluate its more recent foster home retention and recruitment efforts to inform next steps and achieve more successful outcomes in this ongoing work.</p>
<p>09-14125 That the Ministry of Social Services immediately conduct mandatory education and performance management for Ministry personnel whose job duties include the collection, use, access to, disclosure and retention of legal, personal, historical and placement information regarding every child in the care of the Minister.</p>	<p>Position: Accepted</p> <p>In September 2009, notification went out to Ministry staff notifying of changes to policy that now require mandatory use of the standardized Caregiver Information form following placement of a child with a caregiver.</p> <p>Ongoing training on the standard caregiver form and the mandatory requirement has been incorporated into the Ministry's CORE training (Module 5). The next training is scheduled for June 2011. The CAO has been provided with a copy of the educational materials.</p>	<p>Status: Closed; adequate action taken.</p> <p>The Ministry has addressed both the education and performance management components of this recommendation, and provided a copy of the educational materials that have and will be provided to staff.</p> <p>The Children's Advocate Office will continue to monitor the Ministry's ongoing compliance with provincial policy through the Office's advocacy and investigation services.</p>

Recommendation	Ministry of Social Services Action Taken	Children's Advocate Office Analysis
<p>09-14126 That the Ministry of Social Services develop and implement a mandatory single information management system to be fully operational by January 1, 2010, with appropriate components to address the collection, use, access to, disclosure and retention of legal, personal, historical and placement information regarding every child and youth in the care of the Minister, including specifically, but not limited to, children who are residing in foster homes under the care of Persons of Sufficient Interest or alternate caregivers, and children who are residing under the delegated authority of Saskatchewan's First Nations child and family services agencies.</p>	<p>Position: Partially accepted</p> <p>The Ministry is proceeding with the implementation of a case management system for Child and Family Services. The pilot commenced March 2011 and the Ministry is proceeding with the implementation of a case management system for Child and Family Services later this year.</p> <p>Full roll-out of this phase of implementation with Ministry offices is anticipated to be completed by end of March 2012.</p> <p>Discussions continue to occur with First Nations child and family services (FNCFS) agencies to seek voluntary adoption of the new system across the province.</p> <p>Current plans are to have all 18 FNCFS agencies to have access to the system to store their own records or to allow searching of client information to be used for case planning for on-reserve services.</p>	<p>Status: Closed; no further action expected.</p> <p>The Ministry of Social Services commitment to discuss voluntary adoption of the new system by FNCFS agencies does not meet the intent of this recommendation. While FNCFS agencies should be consulted on the development and implementation of a system, and provided training and financial supports to use the system, the Children's Advocate Office has significant concerns regarding the impact that a voluntary system will have on the safety and well being of the children and youth it serves.</p> <p>The Children's Advocate Office will continue to monitor the implementation of the new information management system, whether there is universal adoption of that system by all 18 FNCFS agencies, and whether this system meets the needs of the children and youth it serves through the Office's advocacy and investigation services.</p>
<p>09-14127 That the Ministry of Social Services create a Special Committee on Information Management, to include representation from the Ministry of Social Services, current/former youth in care, the Federation of Saskatchewan Indian Nations, the Métis Nation-Saskatchewan, the Saskatchewan Children's Advocate Office, and other relevant participants, to identify the necessary information that ought to be collected, used, accessed, disclosed and retained as part of its new information management system.</p>	<p>Position: Not accepted</p> <p>The Ministry has a comprehensive stakeholder consultation and communications plan that has been developed using the best practices and principles outlined in the Project Management Book of Knowledge (FMBOK).</p> <p>A number of stakeholders have been engaged to provide input into the system requirements and further consultations will occur over the next two years as implementation progresses.</p> <p>Groups or stakeholders for which consultation have taken place or are planned include: the Children's Advocate Office, the Office of the Privacy Commissioner, FNCFS agencies, the Saskatchewan First Nations Institute, the Saskatchewan Youth in Care and Custody Network, the Saskatchewan Foster Families Association and the Ministries of Education and Corrections, Public Safety and Policing.</p>	<p>Status: Closed; no action taken.</p> <p>While the Children's Advocate Office recognizes that the Ministry is, or will be, consulting with stakeholders on the development of their new information management system, the intent of this recommendation was also to have these consultations done at a common table.</p> <p>The Ministry did not create a Special Committee, which would have created optimal transparency and accountability in the development process and ensure the issues, concerns or recommendations of each stakeholder are discussed, debated and potentially included in the final system.</p> <p>To date, the Ministry has not consulted with the Children's Advocate Office or the Saskatchewan Youth in Care and Custody Network (SYCCN) on the development of the new information management system. The Ministry has briefed the Office at quarterly meetings on its development and implementation plans and has indicated that consultation with the Children's Advocate Office will occur in Phase 2 of the project.</p> <p>The Children's Advocate Office will continue to monitor the implementation of the new information management system, and whether this system meets the needs of the children and youth it serves through the Office's advocacy and investigation services.</p>

Recommendation	Ministry of Social Services Action Taken	Children's Advocate Office Analysis
<p>09-14128 That the Ministry of Social Services create a Special Committee on Foster Care and Permanency Planning, to include representation from the Ministry of Social Services, current and former youth in care, the Federation of Saskatchewan Indian Nations, the Métis Nation-Saskatchewan, the Saskatchewan Children's Advocate Office, and other relevant participants, to address the development and implementation of a plan that would focus on creating a safe and nurturing foster care system dedicated to promoting the best interests of children in foster care and to expanding the range of permanency options for both alternative out-of-care and in-care placements, so as to reduce the increasing compression in foster care, while producing better and sustainable outcomes for these vulnerable children.</p>	<p>Position: Not accepted</p> <p>The Ministry agrees with the need to create a safe and nurturing foster care system dedicated to promoting the best interests of children in foster care and to expand the range of permanency options for both alternative out-of-care and in-care placements.</p> <p>Accordingly, the Ministry has developed a joint work plan with the SFFA focusing on enhancing the existing foster care system, has created opportunities for Ministry and FNCFS agency staff to collaborate and work through the challenges associated with joint planning for children and has placed an increased emphasis on permanency planning by creating dedicated permanency planner positions.</p>	<p>Status: Closed; no action taken.</p> <p>While the Children's Advocate Office recognizes that the Ministry is, or will be, consulting with stakeholders on improvements to the foster care system in Saskatchewan, the intent of this recommendation was also to have these consultations done at a common table.</p> <p>The Ministry has not created a Special Committee, which would have created optimal transparency and accountability in the development process to ensure the issues, concerns or recommendations of each stakeholder are discussed, debated and potentially included in the development of the continuum of care relating to permanency planning.</p> <p>The Children's Advocate Office will continue to monitor the implementation of changes in the foster care system, and whether this system meets the needs of the children and youth it serves through the Office's advocacy and investigation services.</p>

Recommendation	Ministry of Social Services Action Taken	Children's Advocate Office Analysis
<p>09-14130 That the Ministry of Social Services immediately conduct mandatory education and performance management for Ministry personnel whose job duties include the assessment and placement matching for children in the care of the Minister and foster homes.</p>	<p>Position: Not accepted</p> <p>Although the Ministry agrees that the assessment and placement matching of children to an appropriate care resource is of critical importance, the Ministry does not believe that this will be accomplished by the CAO's recommendation of mandatory education. Establishing and maintaining an effective assessment and placement matching process is dependent on a number of factors.</p> <p>Placement matching of children to an appropriate care resource is considered a "core" responsibility for some Ministry staff and a competence that is best developed outside of traditional training. On the job mentoring and supervision are the best methods to develop this competency, which continues to be the Ministry's approach.</p> <p>In addition, there are other key considerations when establishing a successful placement matching approach; having adequate spaces and a range of responses in which to match needs to service; having established organizational structures (i.e. dedicated units and staff) in place dedicated to placement matching; and having the right organizational processes in place to manage requests and assess placement capacity.</p> <p>The Ministry has successfully implemented all of these approaches. Significant financial investments have been made over the past several years to develop additional residential spaces for children in care. The Ministry has increased funding to the SFFA to support foster family recruitment and retention efforts. The Ministry has successfully implemented a number of unique initiatives such as Family Finders and Permanency Planners to match children to alternate family placements and find permanent homes. In addition, the Ministry has well established processes to support matching and placement of children, including; placement units, staff dedicated to placement matching and special placement committees.</p>	<p>Status: Closed; no action taken</p> <p>The Children's Advocate Office agrees with the Ministry's assessment that placement matching of children to an appropriate resource is considered a "core" responsibility, and that the shortage of adequate spaces and range of responses in which to match need to service, and the absence of established organizational structures and processes creates challenges for front-line staff to engage in best practice.</p> <p>However, the Office disagrees with the Ministry's assessment that competence can be best developed outside of traditional training with on-the-job mentoring and supervision. Rather, it is the Office's assessment that mandatory education on placement matching would be a foundation for learning best practice that could guide and ground front-line staff as they deal with the systemic challenges in Saskatchewan.</p> <p>Furthermore, the Office's experience in individual advocacy cases and investigation files has shown that much more work is required to implement the on-the-job mentoring and supervision emphasized by the Ministry in its response to this recommendation. Also, there continues to be a shortage and diversity of placement spaces that would allow staff to match a child's needs with an appropriate resource, and a lack of organizational processes to continuously assess placement capacity.</p>

Recommendation	Ministry of Social Services Action Taken	Children's Advocate Office Analysis
<p>09-14131 That the Ministry of Social Services immediately enforce practices that comply with existing Ministry policy requirements for physical accommodations in foster homes.</p>	<p>Position: Partially accepted</p> <p>Draft policy has been developed and consultation with key stakeholders (i.e., Saskatchewan Foster Families Association) and Ministry staff have taken place. The next step in the design process is to work in consultation with the FNCFS agencies before finalizing the draft policy which includes a revised safety checklist.</p> <p>In Fall 2011, a task group will be established with the FNCFS agencies to continue development and finalization of this policy; target for implementation of the new policy is scheduled for the Spring 2013.</p>	<p>Status: Active</p> <p>The Ministry of Social Services has assured the Children's Advocate Office that the current review and changes that will be made to this policy will not lessen safety standards in foster homes.</p> <p>Action required: The Children's Advocate Office will consider adequate action taken on this recommendation upon receipt of updated policy that either maintains or enhances safety standards in foster homes in addition to compliance audit information from the Ministry demonstrating practice compliance with same.</p>
<p>09-14132 That the Ministry of Social Services immediately conduct mandatory education and performance management for Ministry personnel whose job duties include the assessment and enforcement of physical accommodations in foster homes.</p>	<p>Position: Accepted</p> <p>Training will follow once policy has been approved. The training and implementation plan will be incorporated as part of the Ministry's design process and in partnership with the FNCFS agencies; target for implementation will be Spring 2013.</p>	<p>Status: Active</p> <p>The Ministry of Social Services has addressed both the education and performance management components of this recommendation.</p> <p>Action required: The Children's Advocate Office will consider adequate action to be taken on this recommendation upon receipt of updated policy, a copy of the educational materials that will be provided to Ministry of Social Services' staff and a training schedule.</p>
<p>09-14133 That the Ministry of Social Services immediately modify Ministry policy to explicitly expand the definition of "serious case incidents," so as to be inclusive of child-on-child violence, child-on-caregiver violence and caregiver-on-child violence.</p>	<p>Position: Accepted</p> <p>Revisions to this policy are underway to support the release of the Ministry's new case management system (Linkin). To ensure consistent application with the "incident reporting" functionality within the new case management system, design sessions continue with the Linkin team and the policy and program design area.</p> <p>The information reporting in Linkin references a number of categories, including: child-on-child violence, child-on-caregiver violence and caregiver-on-child violence.</p> <p>Final changes to this policy will require consultation with key stakeholders and partners such as the CAO, the SFFA and FNCFS agencies; target for implementation will be Spring 2013.</p>	<p>Status: Active</p> <p>The Ministry of Social Services has indicated that it will clarify its definition of "serious case incidents" in the applicable policy.</p> <p>Action required: The Children's Advocate Office will consider adequate action taken on this recommendation upon receipt of the revised policy.</p>

Recommendation	Ministry of Social Services Action Taken	Children's Advocate Office Analysis
<p>09-14134 That the Ministry of Social Services immediately enforce practices that comply with the modified Ministry serious case incident reporting and investigation policies.</p>	<p>Position: Accepted</p> <p>The centralized Quality Assurance Unit has expanded its qualitative audits to include reviews of serious case incident reporting and follow-up.</p>	<p>Status: Active</p> <p>The response is a first step towards ensuring compliance with a plan to address the enforcement issue and ensure accountability as recommended.</p> <p>Action required: The Children's Advocate Office will consider adequate action taken on this recommendation upon receipt of compliance audit information from the Ministry, demonstrating practice compliance with provincial policy.</p>
<p>09-14135 That the Ministry of Social Services immediately conduct mandatory education and performance management for Ministry personnel whose job duties include serious case incident reporting and investigations.</p>	<p>Position: Accepted</p> <p>Training on the new incident reporting policy, procedures and functionality will be completed during the Linkin roll-out commencing this year and will be consistent with the current policy. As further changes to policy are made, updates to training will also be designed and implemented.</p>	<p>Status: Active</p> <p>The Ministry has addressed the performance management and education components of this recommendation.</p> <p>Action required: The Children's Advocate Office will consider adequate action to be taken on this recommendation upon receipt of updated policy, a copy of the educational materials that will be provided to Ministry of Social Services' staff and a training schedule.</p>
<p>09-14136 That the Ministry of Social Services utilize its modified information management system to track and investigate serious case incidents.</p>	<p>Position: Accepted</p> <p>The new case management tool will have the ability to collect and report on information pertaining to serious case incidents related to children in care. The functionality within Linkin will reference historical and current data and have the capacity to link data between the child and provider (caregiver) information.</p>	<p>Status: Active</p> <p>The Ministry response provides a method by which they intend to implement this recommendation.</p> <p>Action required: The Children's Advocate Office will consider adequate action to be taken on this recommendation at such time as the new information management system is put into operation and confirmation is provided that it is tracking serious case incidents.</p>
<p>09-14137 That the Ministry of Social Services provide children and/or foster parents with appropriate levels of service and support to address physical, sexual, psychological and/or emotional harm suffered as a result of serious case incidents, once investigated.</p>	<p>Position: Accepted</p> <p>The Ministry has policy provisions to pay for counseling following a serious case incident - for both foster families and children in care. In Winter 2009, a communication was provided to Ministry staff regarding the need to follow-up with a needs assessment following a serious case incident.</p> <p>The centralized Quality Assurance Unit has expanded its qualitative audit to include reviews of serious case incident reporting and follow-up.</p> <p>Annual file reviews and reviews of child deaths, critical injuries and serious case incidents provide service delivery staff and managers with valuable insight into their work and include findings and recommendations to ensure continuous improvement.</p>	<p>Status: Closed; adequate action taken.</p> <p>The Ministry has advised staff of policy related obligations while monitoring policy compliance with reporting and follow-up.</p>

Recommendation	Ministry of Social Services Action Taken	Children's Advocate Office Analysis
<p>09-14139 That the Ministry of Social Services immediately conduct mandatory education for all Ministry personnel on the rights of children under the United Nations <i>Convention on the Rights of the Child</i> and the obligation of the Province as a signatory to this document.</p>	<p>Position: Accepted</p> <p>The Ministry developed and presented educational material on the United Nations <i>Convention on the Rights of the Child</i> and the obligation of the Province as a signatory to this document.</p> <p>This material was presented to all Ministry Child and Family Services' (CFS) managers and supervisors in May 2010. Managers and supervisors were also directed to ensure that all CFS staff are provided with this material. Ongoing training on the United Nations <i>Convention on the Rights of the Child</i> has been incorporated into the Ministry's CORE Training and provided on Day 1, Module 1. The CAO has been provided with a copy of the educational materials.</p>	<p>Status: Closed; adequate action taken.</p> <p>The Ministry has addressed the education component of this recommendation and provided a copy of the educational materials that will be provided to Child and Family Services' staff in CORE Training.</p>
<p>09-14140 That the Government of Saskatchewan develop a well-articulated and integrated Vision and Action Plan for children and youth, which places the interests of children and youth first.</p>	<p>Position: Accepted</p> <p>The Child Welfare Review Panel Report was released in December 2010. As the first step in the Province's response, Government responded immediately by establishing a Cabinet Committee on Children and Youth to direct the development of a <i>Saskatchewan Children and Youth Agenda</i>.</p>	<p>Status: Closed; adequate action taken.</p> <p>The Children's Advocate Office recognizes that, in March 2011, the Government of Saskatchewan announced the establishment of a Cabinet Committee to direct the development of a <i>Saskatchewan Children and Youth Agenda</i>.</p> <p>The Government also announced the first funding for the <i>Saskatchewan Children and Youth Agenda</i> in the 2011-12 provincial budget, and committed to releasing a more comprehensive response to the Child Welfare Review Panel's 12 recommendations in late Spring 2011. The Children's Advocate Office now expects to be briefed on this announcement in July 2011.</p> <p>The Children's Advocate Office will continue to monitor the implementation of the <i>Saskatchewan Children and Youth Agenda</i>, and whether the programs and services developed and funded meet the needs of children and youth in our province.</p>
<p>09-14141 That the Government of Saskatchewan include references to both children and youth in the vision and core principles of the <i>Children and Youth First Action Plan</i>.</p>	<p>Position: Accepted</p> <p>The Child Welfare Review Panel Report was released in December 2010. As the first step in the Province's response, Government immediately established a Cabinet Committee on Children and Youth to direct the development of a <i>Saskatchewan Children and Youth Agenda</i>.</p>	<p>Status: Closed; adequate action taken.</p> <p>The Children's Advocate Office has closed this recommendation as references to children and youth have been included in the Government of Saskatchewan's adoption of the <i>Children and Youth First Principles</i> in February 2009 and the establishment of the <i>Saskatchewan Children and Youth Agenda</i> in March 2011.</p>

The Ministry of Social Services reports that the following 16 active recommendations from *A Breach of Trust* will be considered as part of the legislative review to be undertaken in 2012:

09-14143 That the Ministry of Social Services immediately incorporate in *The Child and Family Services Act*, as well as in policy and practice, the Saskatchewan Children's Advocate Office's *Children and Youth First Principles* that all children and youth in Saskatchewan are entitled to:

- Those rights defined by the United Nations *Convention on the Rights of the Child*.
- Participate and be heard before any decision affecting them is made.
- Have their 'best interests' given paramount consideration in any action or decision involving them.
- An equal standard of care, protection and services.
- The highest standard of health and education possible in order to reach their fullest potential.
- Safety and protection from all forms of physical, emotional and sexual harm while in the care of parents, governments, legal guardians or any person.
- Be treated as the primary client, and at the centre, of all child-serving systems.
- Have consideration given to the importance of their unique life history and spiritual traditions and practices, in accordance with their stated views and preferences.

09-14144 That the Minister of Social Services immediately introduce proposed amendments to regulations that create an accountability framework for the licensing of foster homes that include stipulations regarding physical accommodations and the maximum number of children to be placed in each type of licensed home.

09-14145 That the Minister of Social Services immediately introduce proposed amendments to *The Child and Family Services Act* requiring the Ministry of Social Services or service providers to inform any child upon admission to care of his or her entitlements under *The Child and Family Services Act*.

09-14146 That the Minister of Social Services immediately introduce proposed amendments to *The Child and Family Services Act* requiring the Ministry of Social Services or service providers to inform any child upon admission to care of the existence and role of the Children's Advocate Office, and if requested, to provide without delay a means to privately contact and/or privately meet with representatives of the Children's Advocate Office.

09-14147 That the Minister of Social Services immediately introduce amendments to *The Child and Family Services Act* creating a Residential Placement Review Panel, to which a child or other persons, who have demonstrated an informed concern for a child's well-being, may make application for the review of a Ministry's placement decision.

09-14148 The Minister of Social Services immediately introduce proposed amendments to *The Child and Family Services Act* stipulating that a child placed in foster care for more than 12 months cannot be removed from a foster home by the Ministry of Social Services without giving two weeks' notice to the foster parent and child, unless the child would be at imminent risk if allowed to remain in the home.

09-14149 That the Minister of Social Services immediately introduce proposed amendments to *The Child and Family Services Act* stipulating that notice, legal representation and participant rights be given in proceedings (subject to prescribed limitations) to foster parents in cases where they have provided continuous care to a child for six months or longer.

09-14150 That the Minister of Social Services immediately introduce proposed amendments to *The Child and Family Services Act* reducing the maximum time period of all voluntary and court-ordered cumulative temporary care to 12 months for children under six years of age, and to a maximum cumulative period of 24 months for children six years of age and over.

09-14151 That the Minister of Social Services immediately introduce proposed amendments to *The Child and Family Services Act* creating a Child and Youth Victim Compensation Panel, to which a child or other persons, who have demonstrated an informed concern for a child's well-being, may make application to determine whether a child or youth in the care of the Ministry, who has been a victim of maltreatment or negligence causing physical, sexual, emotional and/or psychological harm, should be compensated.

06-10728(a) That the Minister of Social Services immediately introduce proposed amendments to *The Child and Family Services Act* codifying a list of guiding principles which can be used at all decision-making points under the legislation, with the most important principle being "the

paramount purposes of the Act shall be to promote the best interests, protection, safety, and well-being of children."

06-10728(b) That the Minister of Social Services immediately introduce proposed amendments to *The Child and Family Services Act* codifying a list of service delivery principles with the common objective of reinforcing the government's obligation to provide services in a respectful and culturally sensitive manner; that reflect the need for active participation and planning by Aboriginal communities in respect of Aboriginal families and children; and that optimize maximum participation and representation for both children and their families.

06-10728(c) That the Minister of Social Services immediately introduce proposed amendments to *The Child and Family Services Act* codifying the rights and entitlements of children in the care of the Minister. This may be in the form of a Preamble, Declaration of Principles, or preferably, a new part of the Act, ideally incorporating the principles set out in the United Nations *Convention on the Rights of the Child*.

06-10840 That the Minister of Social Services immediately introduce proposed amendments to *The Child and Family Services Act* enabling children to obtain full status as a party in child welfare proceedings.

06-10841 That the Minister of Social Services immediately introduce proposed amendments to *The Child and Family Services Act* authorizing judges at all Court levels in Saskatchewan to appoint independent legal representation for children in child welfare proceedings.

06-10842 That the Minister of Social Services immediately introduce proposed amendments to *The Child and Family Services Act* setting out prescribed criteria by which a Court will determine whether a child requires independent legal representation in child welfare proceedings.

06-10844 That the Ministers of Social Services and Justice, in collaboration with relevant stakeholders, immediately develop, fund and implement a legal program, with sufficient training and administrative oversight, that would provide children with access to independent legal representation in child welfare proceedings.





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